

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3027 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed  
to see the judgements?No

2. To be referred to the Reporter or not?

No



of the judgement? No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

No

5. Whether it is to be circulated to the Civil Judge?

No

## UNION OF INDIA

## Versus

DAVE RAJENDRA VADILAL

### Appearance:

MR JC SHETH for appellants

MR NITIN N PANDYA for Respondent No. 1

CORAM : MR JUSTICE M H KADRI

Date of decision: 20/02/97

## OBAT: JUDGEMENT

Heard learned advocates for the parties

Appellants have filed this appeal under Section 30 of the Workmen's Compensation Act, 1923 (hereinafter referred to as 'the Act'), challenging the award dated April 19, 1995, passed by the Commissioner, under the Workmen's Compensation Act, Ahmedabad, in Workmen Compensation Application No. 69 of 1986.

Respondent was working as cleaner in the Western

Railway, Vatva Diesel Shed, and was drawing monthly salary of Rs.214/- plus allowances. Total salary of the workman was Rs.807.25 ps at the relevant time. As per the case of the workman, while he was discharging his duties as cleaner in Vatva Division Loco-shed, on June 24, 1985 at 11.30 a.m., he was repairing motor as a result of repairing motor, he sustained injuries on four fingers of his left hand. The workman was provided immediate treatment in the Railway Hospital at Kankaria and thereafter he was shifted to the V.S.Hospital, Ahmedabad, wherein he was treated as an indoor patient from June 24, 1985 to July 3, 1985. After the treatment, he reported on duty on October 30, 1985.

Thereafter, the workman filed Workmen Compensation Application No.69 of 1986 before the Commissioner under the Act, Ahmedabad. The workman in his application claimed compensation as per the Schedule IV of the Act.

The learned Commissioner after appreciating oral as well as documentary evidence awarded compensation to the workman Rs.35,231/- along with interest and penalty as per the provisions of the Act. The learned Commissioner had taken into account the disability suffered by the workman at 49%. Age of the workman when he met with accident was around 30 years. As per the Schedule IV of the Act, the loss of the workman was assessed taking 207.98 as factor. Admittedly, the workman sustained injuries while he was discharging his duties with the appellant. The argument of the learned advocate for the appellant that the Commissioner had deviated from the factors contained in Schedule IV of the Act is devoid of any merit. In fact, the learned Commissioner has awarded compensation to the workman as per the Schedule IV of the Act and, in my view, there is no irregularity committed by the learned Commissioner in awarding just and adequate compensation to the workman for the injuries sustained by him during the course of employment with the appellant, nor can it be said to be illegal or unjust.

In view of foregoing discussion, there is no merit in this appeal and the appeal is, therefore, summarily dismissed.

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(swamy)